



February 28, 2008

**TO:** Planning Commission

**FROM:** Stephanie Diaz, Contract Planner *SLD*

**SUBJECT:** PZ 06-500-1 and PZ 06-510-7 CVS Pharmacy Shopping Center.

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On February 21, 2008, the Planning Commission considered PZ 06-500-1 (SUP for drive-through pharmacy) and PZ 06-510-7 (SUP for alcohol sales) for the CVS Pharmacy Shopping Center located at 1117 and 1205 South Oxnard Boulevard. After considering public input, the Commission voted 6-0 to deny the applications.

Attached are two resolutions: one for denial of the pharmacy drive-through and one for denial of alcohol sales.

RESOLUTION NO. 2008 – [06-500-1]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-500-1 SPECIAL USE PERMIT TO ALLOW A SHOPPING CENTER WITH A PHARMACY DRIVE-THROUGH LOCATED AT 1117 AND 1205 SOUTH OXNARD BOULEVARD (APN 204-0-060-22 AND 204-0-060-23). FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-500-01, a special use permit for a pharmacy drive-through for the proposed CVS Pharmacy, filed by the Heritage Equities, in accordance with section 34-108 and 34-146 through 34-157.1 of the Oxnard City Code; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. That the proposed use not in conformance with the General Plan and other adopted policies of the City of Oxnard.
2. That the proposed use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.
3. That the site for the proposed project is not adequate in size and shape to accommodate the drive-through, setbacks, parking, landscaping, and other City standards.
4. That the streets and highways that serve the site will be impacted by the traffic the use will generate.
5. Although a substantial improvement of the use of the land could be effected, there will be detrimental effects upon the surrounding area.
6. Architecture is not appropriate for the project site.

WHEREAS, on February 21, 2008 the Planning Commission voted to deny a shopping center with a pharmacy drive-through on the following vote; ayes: Dean, Frank, Medina, Pinkard, Okada, and Sanchez; noes: none; absent: Elliott.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby memorializes the denial of this permit. The decision of the Planning Commission was final on February 21, 2008 unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of March 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioner:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

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Michael Sanchez, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary

RESOLUTION NO. 2008 – [06-510-07]

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 06-510-07 FOR THE SALE OF ALCOHOL, LOCATED AT THE PROPOSED CVS PHARMACY, 1205 S. OXNARD BOULEVARD (APN 204-0-060-22 ). FILED BY HERITAGE EQUITIES, LLC, 1517 SOUTH SEPULVEDA BOULEVARD, LOS ANGELES, CA 90025

WHEREAS, the Planning Commission of the City of Oxnard has considered an application for Planning and Zoning Permit No. 06-510-07, filed by Heritage Equities in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the following circumstances exist:

1. The denial of this use permit will not affect the preservation and enjoyment of substantial property rights of the applicant.
2. The granting of this use permit would, under the circumstances of this particular case, adversely affect or be materially detrimental to adjacent uses, buildings or structures, to the health or safety of persons residing in or working in the neighborhood, or to the general welfare in that there is an undue concentration of alcohol sales outlets within 350 feet of the project site and the crime rate in the neighborhood is 46% greater than the average crime rate in the City.
3. The granting of this permit would be inconsistent with the General Plan and other adopted standards of the City in that neighborhood safety and police service would be anticipated with additional alcohol sales in the project area.

WHEREAS, on February 21, 2008 the Planning Commission voted to deny the special use permit for off sale alcohol. Since the associated development has been denied, the alcohol permit is also denied.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby denies this permit. The decision of the Planning Commission is final unless appealed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of March 2008, by the following vote:

AYES: Commissioners:

NOES: Commissioner:

ABSENT: Commissioners:

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Michael Sanchez, Chairman

ATTEST: \_\_\_\_\_  
Susan L. Martin, Secretary